



CHARTER REVISION COMMISSION
MAY 29, 2014
7 P.M.

Charter Revision

The Charter Revision Commission Public Hearing was held in the Council chamber on Thursday, May 29 at 7 p.m.

Present

David Larson, Chair, Philip Pessina, Robert Blanchard, Michael Gaudino, Anton Petras, Joseph Milardo, Dominique Thornton, and staff General Counsel Brig Smith and Clerk Marie Norwood.

Absent

Vincent Loffredo, Thomas Hutton, Kathryn Adams, and Daniel Ryan

Also Present

Council Members Bauer, Giuliano, Chisem, and Faulkner and 5 members of the public.

Called to order

The Clerk called the meeting to order at 7:02 p.m.

The first order of business is the election of a chair for the Public Hearing only. Mr. Gaudino nominates Joseph Milardo; Mr. Pessina nominates Dr. Larson.

The Clerk asks for further nominations; hearing none, she calls for the vote on the nomination of Attorney Milardo as Chair; there are three aye votes by Commission Members Gaudino, Milardo, and Petras and five nay votes by Commission Members Blanchard, Pessina, Larson, and Thornton.

The Clerk calls for the vote on the nomination of Dr. Larson. It is four aye votes by Commission Members Blanchard, Pessina, Larson, and Thornton and three nay votes by Commission Members Gaudino, Milardo, and Petras.

The Clerk states Dr. Larson is the Chair for the public hearing.

Dr. Larson, before opening the public hearing asks the members of the Commission to introduce themselves.

Public Hearing Opens

The Chair opens the public hearing at 7:05 p.m. He asks those wishing to speak to state their name and address for the record.

Sebastian Giuliano, 348 Maple Shade, points out what he thinks should not be changed. One is Planning and Zoning Commission. By partisan ship is written into the charter; the make-up is 4 and 3 and we give more to the minority than the minimum allowed by law. You need 5 affirmative votes even with max seats held by one party, they can't control the outcome. It must be a bipartisan decision. When you have one party one party in the position of control of the outcome, bipartisanship is an illusion. You should look at creating more situations where bipartisanship would be necessary, mainly on the Common Council. Any debt resolution not going out to referendum should have a nine vote majority and any vote on an appropriation from the fund balance should be a nine vote decision. In the history of Middletown, no city

administration has lasted longer than a municipal bond. By definition every time you issue a municipal bond, you are committing the current and next administration and committing future councils. It should require a consensus beyond the majority. When you dip into the fund balance you are pledging the city's future. There is criticism that it would create gridlock. There are more examples of both parties coming together to accomplish something rather than the minority to block something. If you have any thought changing Planning and Zoning don't do that, but use that device as an example for other bipartisanship in the city.

Trevor Davis, Arbutus Street, suggests seeing if possible to open some of the Council committees to people that are not on the Council. I am thinking of Economic Development. It would be stronger if there were an ability to have outside people on the committee with good background on economic development and there are other committees that would benefit from that. He thanks the Commission for sitting. He hopes at the end you can come up with recommendations.

Grady Faulkner, Snow Ridge South, thanks the commission for volunteering your time and talents. I don't know who started this, but it is good to check the Charter and review the laws of the City and make sure we get rid of obsolete things and make improvements that we can. He thought about considering an audit committee as part of the structure and it would be set up year around to do audits of the operations of the city to see that processes and procedures are being done. He sees issues where practices have not been followed because no one is assigned to check on them. He states notices. With the way communications are in the City and technological changes with legal notices, he would like to see some guidelines; he doesn't know where to look for notices. He is frustrated that the Council voted for a technology committee that has not been formulated and it is critical and if we can do that in the charter to put strength that when committees are voted there is teeth to get them started. The super majority; you have to be careful with that because we are not that big of a town and in some cases you can override the voters. Look at the budget schedule. It is a rush for us and we are squeezed at both ends. Evaluations of our departments is probably more the mayor's thing.

Dr. Larson states when you talked about audits, you are not looking at financial audits. You are looking for processes and procedures. Mr. Faulkner states it can be financial in the audit when looking at the practices and procedures and it could be looking at some of the other funds. Dr. Larson states if anyone on the committee has questions, they should bring them forward.

General Counsel Brig Smith introduces himself to the committee as does Alex Gecan, Middletown Press Reporter.

David Bauer, Dobson Circle, states it is a delightful reminiscence to see the former Mayor here. He states he heard some interesting observations and one of the things he expands on is that the Charter is important and a living document and some of the seminal chapters have not changed in a very long time and around us the community has changed and state statutes have changed and the technology has changed. He hopes they will look at a fundamental look at the check and balance between the Mayor and Council; when it comes to finance, there are all sorts of checks and balances and he points out two things that are opaque and those two things are that when it comes to the finances, the Mayor is not specifically charged to have a future plan for the budget. We are looking at the budget one year at a time and the Council is the fiduciary part of the local government and if you could perhaps try some language that would stipulate the Council has to do more to articulate a five year plan. There are so many things we do now and other municipalities do it and they are in the first year of a five year budget and it gives all elected officials tools to where departments are going and gives the public talking points on how services are delivered. Where are we going with the departments and services. Five years is arbitrary and it could be ten. The other item that is somewhat opaque and he asks you consider is that there be a permanent road committee much the same way where we have building committees. What we are lacking is when we execute the projects, we spend more in a decade than we spent to build our new Middletown High School. It is a significant amount of money and he asks that you put in language that would create a permanent road commission that would be a focal point for these projects.

He wishes the committee the best. Commissioner Pessina states are you suggesting, there is a Public Works committee, as an offshoot there is a subcommittee road identification. Mr. Bauer states Public Works is the owner of all the edifices in town, but still we create a specific building committee and what happens is he has served on PW and I challenge you and to FOI a document that shows a written summary for what work is done on what roads from a road bond. Commissioner Pessina asks if it would be noncouncil and be appointed. Mr. Bauer states he is a firm believer of volunteerism and it should have as wide a gene pool and give citizens a chance that have wide expertise. There is wisdom on how we create building committees for schools including council and citizens from town with expertise and that is a good starting point.

The Chair asks if anyone on the Commission would like to share anything.

Commissioner Gaudino states on the technology committee, the council doesn't have the expertise and maybe we could have a discussion on this.

Attorney Giuliano comes forward again and states both David Bauer and Grady Faulkner talked about auditing and committees that would almost perform that function. The Charter as it stands can create committees by ordinance and the biggest problem is they haven't done it and when the Council isn't doing the will of the people, then maybe the charter should mandate the will of the people. The technology committee was created but it has not been populated. It is languishing. When these things happen there needs to be a finite period of time that they need to be enacted. There is nothing that says once a committee is formed that it has to be empaneled in a certain time and that might be what is needed in the charter. David has talked about having a committee looking at the physical plant; in terms of what we own and what the condition is, nobody is watching it as specifically as they should be. Those things would be helpful. There is a section in the Charter one is referenda and initiative and the initiative is problematic and is vaguely worded and puts the Town Clerk in a precarious position to determine what is good for the city and should go to referendum. It should involve the city attorney and corporation counsel. He asks that it be reviewed.

Mr. Faulkner speaks again and addresses your concerns, people need to be involved. Technology is good, but not the solution to everything. We also lose a lot of control the more we put technology in. He discusses air conditioning being controlled by computers in Florida. He has seen projects in Middletown go off because the tech people come in and don't agree. You need to have thought from different angles.

Chair Larson asks the General Counsel Smith to look at the Charter regarding state and federal statutes to insure that the City is in compliance with any changes that may have occurred.

Commissioner Milardo responds to questions and states this is our time to review home rule. The problem he sees is the time frame and we have been asked to report back for election this year. He would like to have public session at each meeting and recommends it and he would like to hear from the population of the city of Middletown as we go through the chapters and look at the mayor and set a four-year term and he is a proponent having the base salary fixed in the Charter for the Mayor; the Council has abused mayors of both parties. He would like that in the Charter. Council needs to be looked at and the Mayor as chair and he has advocated in the past about the Mayor chairing the Council. It will take time and he is asking people to come to meetings because it is your only chance to set your government the way you want it. One thing we should have in here is the ability to determine eminent domain questions that are not for public purposes; he would like the public purposes delineated and if the Council decides to go outside of that, there be a public vote on whether some one's property will be taken for use other than public use. These are questions we have seen occur in the past and our charter should come into the future. He also suggests that the Committee might meet more frequently than once a week.

Chair Larson states the Board of Education office building has a conference room. It is a nice table we can use look at one another. Commissioner Milardo states we have 60 days and if we meet once a week it is not a lot. We will have to do a lot of work. If we go over certain things we should map it out.

Dr. Larson asks if Tuesdays are convenient; most have no conflict. Commissioner Petras has a conflict with the first Tuesdays of the month.

Commissioner Milardo gives General Counsel his first change for the Charter, state and federal law we don't have a sheriff.

Commissioner Pessina asks if they can have their own copy of the Charter; the Clerk responds it is in the folder.

Motion to Adjourn

The Chair asks for a motion to adjourn. Commissioner Petras moves to adjourn and is seconded by Commissioner Thornton. The vote is unanimous and the Chair declares the meeting adjourned at 7:42 p.m.

Attest:

Marie O. Norwood
Staff